

A. G. Contract No. KR99 1599TRN
ADOT ECS File No. JPA 99-113
Project: 095 MO 250/H4946 01C
Section: SR-68 @ McCormick Blvd. (MP 0.74)

INTERGOVERNMENTAL AGREEMENT
AMONG
THE STATE OF ARIZONA,
THE CITY OF BULLHEAD CITY,
AND
MOHAVE COUNTY, ARIZONA

THIS AGREEMENT is entered into 24 February 2000, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the CITY OF BULLHEAD CITY, acting by and through its MAYOR and CITY COUNCIL (the "City"), and MOHAVE COUNTY, ARIZONA, acting by and through its BOARD OF SUPERVISORS (the "County").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes Section 48-572 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the City.

3. The County is empowered by Arizona Revised Statutes Section 11-251 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the County.

4. The State, the City and the County desire to participate in the design, construction and maintenance of a new traffic signal warranted on SR-68 at the intersection of McCormick Blvd. (MP 0.74) as well as widening the sideroads, at an estimated cost of \$190,000.00, hereinafter referred to as the Project, for the safety and benefit of the motoring public.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

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NO 23857
Filed with the Secretary of State
Date Filed: 02/24/2000

Betsy Boyles
Secretary of State

By Dicky D. Greenwald

II. SCOPE

1. The State will:

a. Provide to State standards design plans, specifications and such other documents and services required for construction bidding and construction of the signal Project. Incorporate or resolve City and County review comments.

b. Call for bids and award one or more construction contracts for the signal Project. Administer same and make all payments to the contractor(s). Confer with the City and the County on any signal Project related contract modifications and be responsible for its proportionate share of same. Be responsible for any contractor claims for extra compensation attributable to the State.

c. Be responsible for fifty percent of the cost of the signal portion of the project construction cost, in an amount estimated at \$89,000.00.

d. Upon completion, approve and accept the Project on behalf of the parties hereto and provide maintenance to the signal.

e. Invoice the City and the County for their twenty five percent share of the signal portion of the cost of the Project plus the sideroad widening, in an amount estimated at \$53,000.00 for the City and \$49,000 for the County.

2. The City will:

a. Review the signal Project design documents and provide comments.

b. Within thirty (30) days after receipt of an invoice, pay the State the City's twenty five percent share for the signal portion of the cost of the signal Project plus the costs associated with widening McCormick Blvd, east of SR 68, in an amount estimated at \$53,000.00, and for its proportionate share of any project cost increases, and for any contractor claims for extra compensation attributable to the City.

c. Upon completion and acceptance of the signal Project by the State, provide electrical energy to operate the signal, and grant the State the perpetual right-of-entry to maintain the loop detectors and pavement markings.

3. The County will:

a. Review the signal Project design documents and provide comments.

b. Within thirty (30) days after receipt of an invoice, pay the State the County's twenty five percent share for signal portion of the cost of the signal Project, plus the costs associated with widening the Davis Camp driveway, west of SR 68, in an amount estimated at \$49,000.00, and for its proportionate share of any project cost increases, and for any contractor claims for extra compensation attributable to the County.

c. Upon completion and acceptance of the signal Project by the State, grant the State the perpetual right-of-entry to maintain the loop detectors and pavement markings.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said Project and reimbursements; provided, however, that this agreement, except any provisions herein for maintenance and electrical energy, which shall be perpetual, may be cancelled at any time prior to the award of a construction contract, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007

City of Bullhead City
City Manager
1255 Marina Blvd.
Bullhead City, AZ 86442

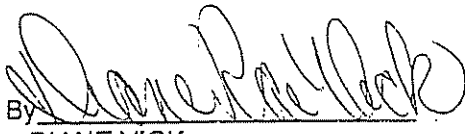
Mohave County
County Manager
PO Box 7000
Kingman, AZ 86401


7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

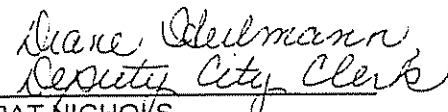
CITY OF BULLHEAD CITY

STATE OF ARIZONA
Department of Transportation

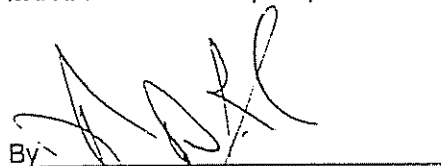
By 
DIANE VICK
Mayor

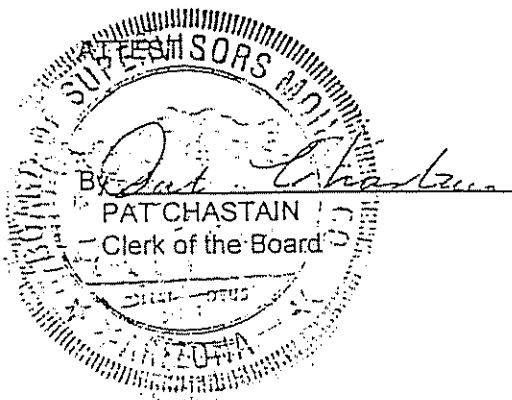
By 
WILLIAM J. HIGGINS
Deputy State Engineer

ATTEST

for: By 
PAT NICHOLS
City Clerk

MOHAVE COUNTY, ARIZONA

By 
BUSTER JOHNSON, Chairman
Board of Supervisors



RESOLUTION

BE IT RESOLVED on this 19th day of July 1999, that I, the undersigned MARY E. PETERS, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Intermodal Transportation Division, to enter into an agreement with the City of Bullhead City and Mohave County for the purpose of defining responsibilities for constructing, operating and maintaining a new traffic signal at the intersection of SR-68 at McCormick Blvd.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the Deputy State Engineer for approval and execution.

A handwritten signature in black ink, appearing to read 'D. Allocco', is written over a horizontal line.

DAVID R. ALLOCCO, P.E.
Assistant State Engineer
Engineering Technical Group
for Mary E. Peters, Director

RESOLUTION NO 99R-076

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF BULLHEAD CITY, ARIZONA, APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE ARIZONA DEPARTMENT OF TRANSPORTATION, THE CITY OF BULLHEAD CITY AND MOHAVE COUNTY AND AUTHORIZING THE MAYOR TO ENTER INTO AND EXECUTE THE AGREEMENT FOR THE PURPOSE OF DEFINING RESPONSIBILITY FOR THE CONSTRUCTION OF A WARRANTED TRAFFIC SIGNAL ON SR-68 AT THE INTERSECTION OF McCORMICK BOULEVARD (MP 0.74).

WHEREAS, it is in the best interest for the safety and benefit of the motoring public to install a new traffic signal on SR-68 at the intersection of McCormick Boulevard (MP 0.74);

WHEREAS, the City desires to enter into an Intergovernmental Agreement with the Arizona Department of Transportation and Mohave County for implementing and administering such project;

WHEREAS, the City of Bullhead City is empowered to enter into this agreement by virtue of the provisions of A.R.S. §48-572, Mohave County is empowered to enter into this agreement by the virtue of the provisions of A.R.S. §11-251 and the Arizona Department of Transportation is empowered to enter into this agreement by virtue of the provisions of A.R.S. §28-401.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Bullhead City hereby approves the Intergovernmental Agreement between the City, Mohave County and The Arizona Department of Transportation, and hereby authorizes the Mayor to enter into and execute said agreement on behalf of the City.

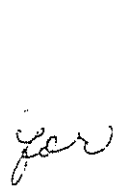
PASSED AND ADOPTED by the Mayor and City Council of the City of Bullhead City, Arizona, this 2ND day of November, 1999.

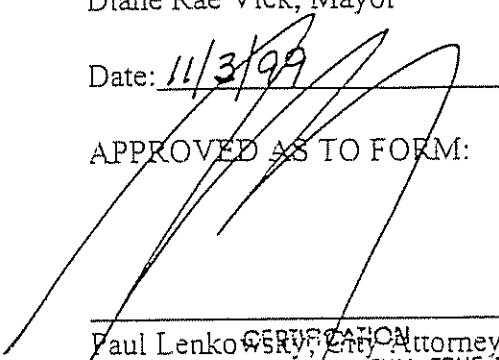
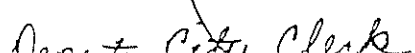

Diane Rae Vick, Mayor

Date: 11/3/99

ATTEST:

APPROVED AS TO FORM:


Diane Steelman,
Deputy City Clerk
for Patricia G. Nichols, CMC, City Clerk


Paul Lenko, City Attorney
THE FOREGOING INSTRUMENT IS A FULL TRUE AND CORRECT
COPY OF THE RECORD ON FILE IN THIS OFFICE
DATED November 10 19 99
ATTEST: PATRICIA G. NICHOLS, CITY CLERK OF THE CITY OF
BULLHEAD CITY, AZ.


RESOLUTION NO. 2000-34

A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE ARIZONA DEPARTMENT OF TRANSPORTATION, THE CITY OF BULLHEAD CITY AND MOHAVE COUNTY FOR THE PURPOSE OF DEFINING RESPONSIBILITY FOR THE CONSTRUCTION OF A WARRANTED TRAFFIC SIGNAL ON SR-68 (MP 0.74) AT THE INTERSECTION OF McCORMICK BOULEVARD AND THE DAVIS CAMP PARK ENTRANCE.

WHEREAS, the Board of Supervisors of Mohave County met in Regular Session this 10th day of January 2000, and


WHEREAS, Mohave County desires to enter into an Intergovernmental Agreement with the Arizona Department of Transportation and the City of Bullhead City for implementing and administering such project, and

WHEREAS, Mohave County is empowered to enter into this agreement by virtue of the provisions of A.R.S. §11-251, the City of Bullhead City is empowered to enter into this agreement by virtue of the provisions of A.R.S. §48-572 and the Arizona Department of Transportation is empowered to enter into this agreement by virtue of the provisions of A.R.S. §28-401.

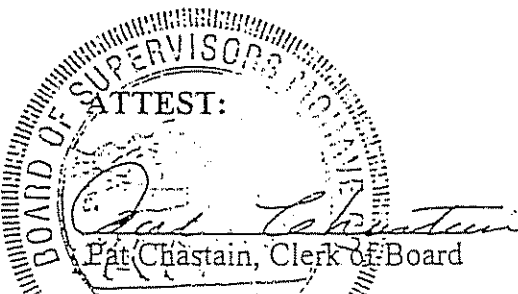
NOW THEREFORE BE IT RESOLVED, that Mohave County Board of Supervisors hereby approves the Intergovernmental Agreement between Mohave County, the City of Bullhead City, and the Arizona Department of Transportation and hereby authorizes the Chairman to enter into and execute said agreement on behalf of the County.

PASSED, APPROVED AND ADOPTED by the Mohave County Board of Supervisors on January 10, 2000.

MOHAVE COUNTY BOARD OF SUPERVISORS



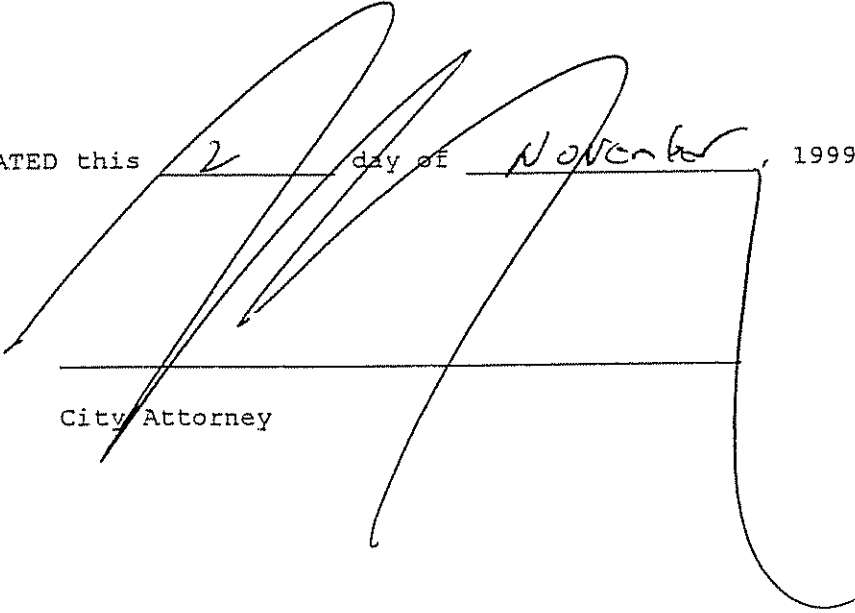
Buster D. Johnson, Chairman



APPROVAL OF THE BULLHEAD CITY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, and the CITY OF BULLHEAD CITY and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

DATED this 2 day of November, 1999.

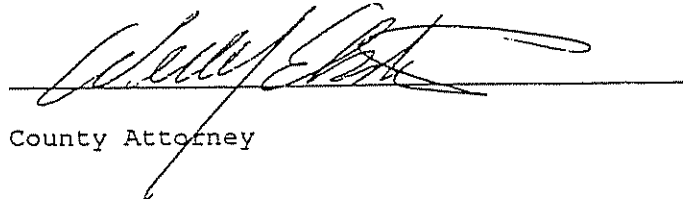


City Attorney

APPROVAL OF THE MOHAVE COUNTY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, and MOHAVE COUNTY and declare this agreement to be in proper form and within the powers and authority granted to the County under the laws of the State of Arizona.

DATED this 1st day of Feb, 2000 1999.


County Attorney



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX, AZ 85007-2926

JANET NAPOLITANO
ATTORNEY GENERAL

TRN Main: (602) 542-1680

Direct: (602) 542-8837

Fax: (602) 542-3646

MAIN PHONE: (602) 542-5025

FACSIMILE: (602) 542-4085

INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR99-1599TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED February 16, 2000.

JANET NAPOLITANO
Attorney General

JAMES R. REDPATH
Assistant Attorney General
Transportation Section

JRR:et/612174

Enc.